

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1365 OF 2015

Jayashri Madhukar Kumbhar

.. Petitioner

Vs.

State of Maharashtra & anr.

... Respondents

Mr.Amit Palkar i/b Ramdas Shelke for the Petitioner

Ms.S.S. Bhende, Assistant Government Pleader, for Respondent Nos.1 & 2

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 11th FEBRUARY, 2015

P.C.:

Heard.

The learned Counsel for the petitioners states that the issue involved in this petition was also involved in Writ Petition No.2046 of 2010 and the Nagpur Bench of the Bombay High Court had, by the judgment dated 19.10.2013 partly allowed the writ petition and directed the respondents to regularise the services and confer the permanency on such petitioners, who have completed 3 years' service with technical breaks. It is stated that by the said judgment, the High Court has protected the petitioners, who were in continuous employment. The learned Counsel states that a similar order may be passed in this petition also and the respondents may be directed to pay the regular salary from 1.2.2015.

Ms.Bhende, the learned Assistant Government Pleader, appearing on behalf of the respondent Nos.1 and 2, does not dispute the statement made on behalf of the petitioner.

Hence, for the reasons recorded in the judgment dated 19.10.2013 in Writ Petition No.2046 of 2010, we partly allow the writ petition and direct the respondents to regularise the services and confer permanency on the petitioner, as she has completed 3 years of service with technical breaks and he is still in service. The respondents are directed to absorb the petitioner within a period of 6 weeks and pay the regular salary to the petitioner from the date of his absorption. Just like the order passed in the Writ Petition No.2046 of 2010, though we direct the respondents to grant continuity of service to the petitioner, we make it clear that the petitioner would not be entitled to claim any monetary benefits towards the past services rendered by him.

Order accordingly. No order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)